



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
45 L STREET NE
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)
TTY (202) 418-2555

DA No. 22-1358

Report No. TEL-02241

Thursday December 22, 2022

International Authorizations Granted

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

The following applications have been granted pursuant to the Commission's processing procedures set forth in sections 63.12, 63.20 of the Commission's rules, 47 CFR §§ 63.12, 63.20, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing the applications as accepted for filing.

Unless otherwise noted, these grants authorize the applicants: (1) to become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22; and/or (2) to become a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (3) to assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24; or (4) to exceed the foreign ownership benchmarks applicable to common carrier radio licensees under 47 U.S.C. § 310(b); see Subpart T of Part 1 of the Commission's rules, 47 CFR §§ 1.5000-5004.

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, in regard to the grant of any of these applications may be filed within thirty days of this public notice (see 47 CFR § 1.4(b)(2)).

Transfer of Control

Grant of Authority

Date of Action: 12/19/2022

Current Licensee: Fusion Connect, Inc.**FROM:** Fusion Connect, Inc.**TO:** NH Credit Partners III Holdings L.P.

An application has been filed for the transfer of control of Fusion Connect, Inc. (Fusion), a Delaware corporation that holds an international section 214 authorization (ITC-214-19971001-00592), to NH Credit Partners III Holdings L.P. (NH III). Fusion is currently a privately held company in which no entity has a controlling interest. North Haven Credit Partners II L.P. (North Haven II) and North Haven Senior Loan Fund L.P. (NH Senior Loan Fund), two funds associated with NH III, currently hold approximately 11.04% of Fusion's voting stock. Through this transaction North Haven II, NH Senior Loan Fund, and NH III (collectively, the North Haven Entities) will acquire a de jure controlling interest in Fusion. Each of the North Haven Entities is a Delaware limited partnership.

The proposed Transaction consists of (i) the North Haven Entities' acquisition, through Option Agreements, of existing Common Stock from certain other Stockholders of Fusion, (ii) the activation of additional voting rights with respect to the Series A Preferred Stock, allowing holders of Series A Preferred Stock to vote on all matters on which holders of Common Stock may vote, (iii) the conversion of the Series B Preferred Stock into Common Stock, and (iv) the exercise of two of the three tranches of Warrants resulting in the issuance of additional shares of Common Stock to the Warrant holders. As a result, the North Haven Entities will own a controlling interest in Fusion. NH III will have a direct 33.43% interest in Fusion and an indirect 13.09% interest as the sole member of 7 funds that will each hold a 1.87% direct interest in Fusion. North Haven II will have a 31.20% direct interest in Fusion. NH Senior Loan Fund will have a 3.14% direct interest in Fusion. Four other North Haven funds will have a combined 1.77% direct interest in Fusion. The shares of Fusion owned or controlled by the North Haven Entities and associated funds will be under the common investment management of MS Capital Partners Adviser Inc. (MS Capital Partners Adviser). As a result MS Capital Partners Adviser will indirectly manage approximately 82.63% of Fusion's voting equity interests and therefore will have a de jure controlling interest in Fusion.

MS Capital Partners Adviser is a wholly owned direct subsidiary of MS Holdings Incorporated (MS Holdings), both Delaware corporations. MS Holdings wholly owns and controls MS Credit Partners II GP Inc. and MS Credit Partners III GP Inc., which are the general partners of MS Credit Partners II GP L.P. and MS Credit Partners III GP L.P., respectively, which in turn are the general partners of North Haven II and NH III. MS Holdings is a wholly owned direct subsidiary of Morgan Stanley, a Delaware corporation. Morgan Stanley is widely held and the only 10% or greater owner is Mitsubishi UFJ Financial Group, Inc. (MFUG), a Japanese entity that holds a 20.12% equity and voting interest in Morgan Stanley. No individual or entity holds a 10% or greater direct or indirect interest in MFUG.

We grant the Petition to Adopt Conditions to Authorizations and Licenses filed in this proceeding on December 19, 2022, by the National Telecommunications and Information Administration on behalf of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector. Accordingly, we condition grant of the application for international section 214 authority on Fusion Connect, Inc. and the North Haven Entities abiding by the commitments and undertakings set forth in the Letter of Agreement from James P. Prenetta, Jr., EVP and General Counsel, Fusion Connect and the Fusion Licensees and Debra Abramovitz, COO/Executive Director, North Haven Entities, to the Chief, Foreign Investment Review Section, and Deputy Chief, Compliance and Enforcement, Foreign Investment Review Section, on behalf of the Assistant Attorney General for National Security, United States Department of Justice, National Security Division, dated December 1, 2022 (LOA). The Petition and the LOA may be viewed on the FCC's website through the International Bureau Filing System by searching for ITC-T/C-20220317-00038 and accessing the "Other Filings related to this application" from the Document Viewing Area.

A failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the authorization and thus grounds for declaring the authorization terminated without further action on the part of the Commission. Failure to meet a condition of the authorization may also result in monetary sanctions or other enforcement action by the Commission.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

Transfer of Control

Grant of Authority

Date of Action: 12/19/2022

Current Licensee: Empire Long Distance Corporation**FROM:** Lantelco, Inc.**TO:** Endurance Parent, Inc.

An application has been filed for the transfer of control of Empire Long Distance Corporation d/b/a Empire Access (ELD), a New York corporation that holds an international section 214 authorization (ITC-214-20050520-00196), from Lantelco, Inc. (Lantelco) to Endurance Parent, Inc. (Endurance Parent). ELD is a direct wholly owned subsidiary of Empire Telephone Corporation (Empire Telephone). Lantelco holds a 91.62% interest in Empire Telephone. Pursuant to an Agreement and Plan of Merger, Empire Telephone will contribute the stock of ELD to Lantelco and immediately thereafter Lantelco will merge with and into Endurance Merger Sub I, with Lantelco surviving the merger transaction. Immediately or shortly after the merger, Lantelco will be removed from the ownership chain through a pro forma transaction. After closing, Empire Telephone and ELD will become direct wholly owned subsidiaries of Endurance Parent.

Endurance Parent is a direct wholly owned subsidiary of Endurance Midco Inc., which is a wholly owned subsidiary of Endurance Parent Holdco, Inc., all Delaware corporations. Endurance Parent Holdco, Inc. is a wholly owned subsidiary of Endurance Parent Holdings, LP (Endurance Parent Holdings), a Delaware limited partnership. Endurance Holdings GP, LLC (Endurance GP) is the general partner for Endurance Parent Holdings (with 0% equity interest). Antin Mid Cap I Finco (Finco), a Luxembourg entity, holds an approximate 85.70% equity interest in Endurance Parent Holdings, and Wagner Limited Partnership (Wagner LP), a New York limited partnership, holds an approximate 12.30% equity interest.

Wagner Partners Management, Inc. (Wagner GP), a New York corporation, is the general partner for Wagner LP. Brian A. Wagner, a U.S. citizen, owns a 99% limited partnership interest in Wagner LP and a 50% equity interest in Wagner GP. Brian A. Wagner is the sole officer and director of Wagner GP. Robert H. Wagner, a U.S. citizen, owns a 50% equity interest in Wagner GP.

The Antin Mid Cap Funds collectively hold 100% of the equity interests of Finco and Endurance Parent Holdings. Specifically, (1) Antin Infrastructure Partners Mid Cap I-A SCSp (Mid Cap A), a Luxembourg partnership, holds a 20.89% equity interest in Finco and Endurance Parent Holdings; (2) Antin Infrastructure Partners Mid Cap I-B SCSp (Mid Cap B), a Luxembourg partnership, holds a 47.14% equity interest; (3) Antin Infrastructure Partners Mid Cap I-C SCSp (Mid Cap C), a Luxembourg partnership, holds a 20.03% equity interest; and (4) Antin Infrastructure Partners Mid Cap I FPCI (Mid Cap France), an entity organized in France, holds a 11.94% equity interest. Antin Infrastructure Partners Mid Cap I Luxembourg GP (Mid Cap GP), a Luxembourg partnership, is the general partner (0% equity interest) of Mid Cap A, Mid Cap B and Mid Cap C. Mid Cap GP and Mid Cap France are both wholly owned by Antin Infrastructure Partners S.A.S. (Antin France), a partnership formed in France. Antin France is wholly owned by Antin Infrastructure Partners SA (AIP), a partnership formed in France. AIP is ultimately owned by Alain Ranacher, a citizen of France who holds a 30.9% ownership interest in AIP, and Mark Crosbie, a citizen of the United Kingdom who holds 17.8% ownership interest. Applicants state that no other individual or entity will hold a 10% or greater equity or voting interest in Endurance Parent or ELD.

On May 6, 2022, pursuant to Commission practice, this application for transfer of control of international section 214 authority and the associated domestic transfer application (WC Docket No. 22-155), were referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy or trade policy concerns related to the foreign ownership of the Applicants. On May 16, 2022, the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) requested that the Commission defer action on the applications while the Committee reviewed them. On December 14, 2022, the National Telecommunications and Information Administration notified the Commission that the Committee has no objection to the Commission granting the applications. Further, the Committee reserves the right to review any resulting authorizations in the future to identify any additional or new risks to U.S. national security or law enforcement interests.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

Transfer of Control

Grant of Authority

Date of Action: 12/19/2022

Current Licensee: North Penn Long Distance Corporation**FROM:** Barch Corporation**TO:** Endurance Parent, Inc.

Application has been filed for the transfer of control of North Penn Long Distance Corporation (NPLD), a Pennsylvania corporation that holds an international section 214 authorization (ITC-214-20050520-00195), from Barch Corporation (Barch) to Endurance Parent, Inc. (Endurance Parent). NPLD is a direct subsidiary of North Penn Telephone Company (NPTC). Barch holds an 82.08% interest in NPTC. Pursuant to an Agreement and Plan of Merger, Barch will merge with and into Endurance Merger Sub 2, with Barch surviving the merger transaction. Immediately or shortly after the merger, Barch will be removed from the ownership chain through a pro forma transaction. After closing, NPTC and NPLD will become direct and indirect wholly owned subsidiaries of Endurance Parent respectively.

Endurance Parent is a direct wholly owned subsidiary of Endurance Midco Inc., which is a wholly owned subsidiary of Endurance Parent Holdco, Inc., all Delaware corporations. Endurance Parent Holdco, Inc. is a wholly owned subsidiary of Endurance Parent Holdings, LP (Endurance Parent Holdings), a Delaware limited partnership. Endurance Holdings GP, LLC (Endurance GP) is the general partner for Endurance Parent Holdings (with 0% equity interest). Antin Mid Cap I Finco (Finco), a Luxembourg entity, holds an approximate 85.70% equity interest in Endurance Parent Holdings, and Wagner Limited Partnership (Wagner LP), a New York limited partnership, holds an approximate 12.30% equity interest.

Wagner Partners Management, Inc. (Wagner GP), a New York corporation, is the general partner for Wagner LP. Brian A. Wagner, a U.S. citizen, owns a 99% limited partnership interest in Wagner LP and a 50% equity interest in Wagner GP. Brian A. Wagner is the sole officer and director of Wagner GP. Robert H. Wagner, a U.S. citizen, owns a 50% equity interest in Wagner GP.

The Antin Mid Cap Funds collectively hold 100% of the equity interests of Finco and Endurance Parent Holdings. Specifically, (1) Antin Infrastructure Partners Mid Cap I-A SCSp (Mid Cap A), a Luxembourg partnership, holds a 20.89% equity interest in Finco and Endurance Parent Holdings; (2) Antin Infrastructure Partners Mid Cap I-B SCSp (Mid Cap B), a Luxembourg partnership, holds a 47.14% equity interest; (3) Antin Infrastructure Partners Mid Cap I-C SCSp (Mid Cap C), a Luxembourg partnership, holds a 20.03% equity interest; and (4) Antin Infrastructure Partners Mid Cap I FPCI (Mid Cap France), an entity organized in France, holds a 11.94% equity interest. Antin Infrastructure Partners Mid Cap I Luxembourg GP (Mid Cap GP), a Luxembourg partnership, is the general partner (0% equity interest) of Mid Cap A, Mid Cap B and Mid Cap C. Mid Cap GP and Mid Cap France are both wholly owned by Antin Infrastructure Partners S.A.S. (Antin France), a partnership formed in France. Antin France is wholly owned by Antin Infrastructure Partners SA (AIP), a partnership formed in France. AIP is ultimately owned by Alain Ranacher, a citizen of France who holds a 30.9% ownership interest in AIP and Mark Crosbie, a citizen of the United Kingdom who holds 17.8% ownership interest. Applicants state that no other individual or entity will hold a 10% or greater equity or voting interest in Endurance Parent or NPLD.

On May 6, 2022, pursuant to Commission practice, this application for transfer of control of international section 214 authority and the associated domestic transfer application (WC Docket No. 22-155), were referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy or trade policy concerns related to the foreign ownership of the Applicants. On May 16, 2022, the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) requested that the Commission defer action on the applications while the Committee reviewed them. On December 14, 2022, the National Telecommunications and Information Administration notified the Commission that the Committee has no objection to the Commission granting the applications. Further, the Committee reserves the right to review any resulting authorizations in the future to identify any additional or new risks to U.S. national security or law enforcement interests.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

- (1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List is maintained in the FCC Reference Information Center and is available at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>. It is also attached to each Public Notice that grants international Section 214 authority.
- (2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.
- (3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.
- (4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 CFR § 63.23(d).
- (5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 CFR § 63.14.
- (6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 CFR Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.
- (7) International facilities-based service providers must file and maintain a list of U.S.-international routes on which they have direct termination arrangements with a foreign carrier. 47 CFR § 63.22(h). A new international facilities-based service provider or one without existing direct termination arrangements must file its list within thirty (30) days of entering into a direct termination arrangement(s) with a foreign carrier(s). Thereafter, international facilities-based service providers must update their lists within thirty (30) days after adding a termination arrangement for a new foreign destination or discontinuing an arrangement with a previously listed destination. See Process For The Filing Of Routes On Which International Service Providers Have Direct Termination Arrangements With A Foreign Carrier, ITC-MS-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018).
- (8) Any U.S. Carrier that owned or leased bare capacity on a submarine cable between the United States and any foreign point must file a Circuit Capacity Report to provide information about the submarine cable capacity it holds. 47 CFR § 43.82(a)(2). See <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.
- (9) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.
- (10) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.
- (11) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(12) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 CFR §§ 1.20000 et seq.

(14) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 CFR §§ 1.47(h), 64.1195.

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 CFR § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 CFR § 63.22(c).

Countries:

None.

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at <https://www.fcc.gov/approved-space-station-list>.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>.

For additional information, contact the International Bureau's Telecommunications and Analysis Division, (202) 418-1480.